REMARKS

This Amendment is being filed in response to the Office Action mailed December 29, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

By means of the present amendment, claims 9 and 19 have been amended to correct a grammatical error. Claims 9 and 19 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-2, 4, 6-12, 14 and 16-20 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0059592 (Kiraly). Further, claims 3 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kiraly in view of Applicant Admitted Prior Art (AAPA). Claims 5 and 15 are rejected under 35 U.S.C. §103(a) as

allegedly unpatentable over Background Information (BI) page 1 to page 2, line 15 of the present application, in view of Kiraly and U.S. Patent Application Publication No. 2005/0271071 (Madhavapeddi). It is respectfully submitted that claims 1-20 are patentable over Kiraly, AAPI, BI and Madhavapeddi for at least the following reasons.

Kiraly is directed to an Internet radio, where forward and past buffers are provided to store data packets to be rendered and that have been rendered, respectively. As recited on page 7, paragraph [0073], when the forward buffer is 'low' as pointed by a rendering pointer 1030 shown in FIG 10, then the Kiraly information receiver and retransmitter device (IRRT) 1001 shown in FIG 10 signals its chaincast source to send more data packets.

When the forward buffer is 'nearly empty,' as pointed by the rendering pointer 1030, then the IRRT 1001 signals a chaincast manager (CCM) to assign a different chaincast source for the IRRT 1001. Thus, any signaling for more data or change of data source is <u>in response to the</u> **content level** of the forward buffer. This is specifically recited in paragraph [0074], where:

[i]n **response to the buffer content level**

<u>falling</u> below a pre-determined threshold value,
the present invention re-routes communications
between the user devices to provide better
communication load sharing across the system.
According to the present invention, the
transmission buffers of the IRRTs are used to
<u>monitor</u> the packet <u>rates</u>. Particularly, each IRRT
monitors a number of unrendered data packets
stored within its own transmission buffers. <u>When</u>
the **number** of unrendered data <u>packets falls below</u>
a threshold level, the IRRT signals its near-
empty condition to the CCM such that a <u>different</u>
<u>upstream IRRT can be assigned</u> to it.   (Emphasis
provided)

In summary, Kiraly teaches to request more data or a different
data source in response to the buffer content level or number of
packets stored in the buffer. Kiraly merely monitors packet rates,
and the buffer content level or number of packets stored in the
buffer.

In stark contrast, the present invention as recited in
independent claim 1, and similarly recited in independent claim 11,
amongst other patentable elements, requires (illustrative emphasis
provided):

> <u>quality test means</u> for testing the
> information data retrieved and received by the
> information retrieval means and for <u>supplying the</u>
> <u>activation information</u> to the address retrieval
> means **when the quality** of the received
> information data <u>is below</u> a quality threshold

value.

Quality test means for supplying the activation information to the address retrieval means <u>when the</u> **<u>quality</u>** of the received information data is <u>below</u> a quality threshold value are nowhere taught or suggested in Kiraly. Rather, Kiraly merely teaches to monitor data rate and content of a buffer, where additional data or a different data source is requested <u>in response to the buffer</u> **<u>content</u>** being below certain levels. AAPI, BI and Madhavapeddi are cited in rejecting dependent claims to allegedly show other features and do not remedy the deficiencies in Kiraly.
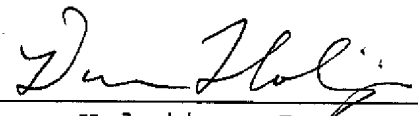
Accordingly, it is respectfully submitted that independent claims 1 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10 and 12-20 should also be allowed at least based on their dependence from independent claims 1 and 11.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By_____
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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Enclosure: New Abstract

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101